

REMARKS

Applicants have reviewed the Office Action of June 19, 2009. Claims 20, 22, and 25 are amended. No claims are cancelled. New claim 35 is added. Claims 1, 2, 4, 5, 11, 14-16, 18-22, 26, 30, and 33-35 are pending. Reconsideration is requested.

Claims 20-22, 25, 26, 30, 33, and 34 were rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. Applicants traverse the rejection.

The Examiner asserted that it was unclear whether the solution had the pH of 7 or below prior to film formation or was adjusted to induce protein-film formation. Claim 20 has been amended to clarify that the pH of 7 is prior to film formation and that a film is formed by drying the solution. Support for this amendment is found page 9, lines 8-22 and in the Examples.

Claim 22 has been amended to remove the "interchange reaction" language.

Applicants request withdrawal of the indefiniteness rejections.

Claims 1, 2, 4, 5, 20-22, and 26 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Savolainen (U.S. Patent No. 6,797,810). Applicants traverse the rejection.

According to the Examiner, a protein film was inherently formed because Savolainen teaches the same active steps as the instant method.

In this regard, please note that Applicants have amended the present method claims to require the presence of a plasticizer. Support for this amendment is found on page 12, lines 21-26 of the specification. Applicants also submit a 1.132 Declaration to rebut the Examiner's reasoning that film formation is inherent in Savolainen. As noted in paragraph 8 of the Declaration, a plasticizer needs to be present. No plasticizer was present in the Savolainen reference. In addition, paragraph 9 states that film formation was looked for and not detected at the time of the Savolainen reference. The Declaration thus establishes that the claimed film is not inherent in the Savolainen reference.

Applicants request withdrawal of the 102(e) rejection.

Claim 25 was rejected under 35 U.S.C. 103(a) as allegedly being obvious over Savolainen.

Claims 11, 14-16, 18, 19, 30, 33, and 34 were rejected under 35 U.S.C. 103(a) as allegedly being obvious over Savolainen in view of Krochta '164 (U.S. Patent No. 5,543,164).

Applicants traverse these rejections together.

These claims are all dependent claims. A claim that depends from a non-obvious claim is itself non-obvious. Applicants do not separately argue the patentability of these claims at this time. Withdrawal of the rejections is requested.

CONCLUSION

For at least the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1, 2, 4, 5, 11, 14-16, 18-22, 26, 30, and 33-35) are now in condition for allowance.

In the event the Examiner considers personal contact advantageous to the disposition of this case, the Examiner is hereby authorized to call Jay F. Moldovanyi, at telephone number 216-861-5582, Cleveland, OH.

Respectfully submitted,

FAY SHARPE LLP

11/17/09
Date

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